

**PROPOSED ORDER**  
**IN THE OFFICE OF THE STATE ENGINEER**  
**OF THE STATE OF NEVADA**  
**FOR DOMESTIC WELL CREDIT IN THE**

**LEMMON VALLEY HYDROGRAPHIC BASINS (92A AND 92B)**

**WHEREAS**, this order is adopted under the procedure set forth in Chapter 534.350 of the Nevada Revised Statutes for the establishment of a program that allows a public water system to receive credits for the addition of new customers to its system.

**WHEREAS**, this order covers portions of the Lemmon Valley – Western part (92A) and Lemmon Valley – Eastern part (92B) Hydrographic Areas designated under State Engineer’s Order No. 391, July 14, 1971. The portions are more specifically described as being:

**T.20N., R.18E., M.D.B.&M.**

All of Sections 1, 2, and 11, all within the Lemmon Valley Hydrographic Basin.

**T.20N., R.19E., M.D.B.&M.**

All of Sections 7, 8, and 15, and the N½, N½ SW¼ Section 14, S½ Section 16, and NW¼ NW¼ Section 22, all within the Lemmon Valley Hydrographic Basin.

**T.21N., R.18E., M.D.B.&M.**

All of Sections 13, 24, 25, and 26, and the E½, E½ W½ Section 35, all within the Lemmon Valley Hydrographic Basin.

**WHEREAS**, this order proposes that a public water system that provides water for municipal purposes within the area described above receive a credit for each customer who is added to their system provided:

- a. A single family dwelling which is presently utilizing a domestic well voluntarily ceases to draw water from that well located within the described area.
- b. Any owner of a lot with the ability to drill a domestic well and utilize water from that well meets the following conditions:
  - (1) That the described lot is located within the area described;
  - (2) That the lot was established as a separate lot before July 1, 1993;

- (3) That the lot was approved by a local governing body or planning commission for service by an individual domestic well before July 1, 1993; and
- (4) A written agreement is entered between the owner of the lot and the public water system, wherein, the owner agrees not to drill a domestic well on the lot, and the public water system agrees that it will provide water service to that lot. Any such agreement must be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to Chapter 111 of NRS.

**WHEREAS**, the State Engineer may require each new customer who voluntarily ceases to withdraw water from a domestic well to plug that well at such time as notification of service from the public water system is made.

**WHEREAS**, a credit granted to the public water system under this order:

- a. Will be for domestic uses as defined by NRS 534.013.
- b. May not exceed the increase in water consumption attributable to the additional service connection or 1,800 gallons per day, whichever is less. The amount of water provided to each service will be reported by each public utility on a yearly basis, in addition to the amount pumped under any permitted water right.
- c. Cannot be converted to an appropriative right.
- d. May only be used at the location of the lot for which credit is being sought.
- e. Will only be from a water purveyor who pumps ground water within the same ground water basin as covered by this order.

**WHEREAS**, this order does not:

- a. Require the public water system to extend its service area unless approved by the Nevada Public Utilities Commission.
- b. Authorize any increase or the potential increase in the total amount of ground water pumped in the Lemmon Valley Hydrographic Basin.
- c. Affect any rights of an owner of a domestic well who does not voluntarily bring himself within the provisions of this order.

- d. Interfere with the State Engineer's authority to possibly restrict the drilling of a domestic well for domestic use, as defined in this order, in the described area of this order where water can be furnished by an entity presently engaged in serving water within the said area.

**WHEREAS**, any such request for a credit under the order shall be made to the State Engineer on the form made available by him.

**WHEREAS**, for the purposes of this order:

- a. "Domestic well" means a well used for culinary and household purposes directly related to a single-family dwelling, including without limitation, the watering of a family garden and lawn and the watering of livestock and any other domestic animals or household pets, if the amount of water drawn does not exceed 1800 gallons per day (NRS 534.013 and 534.180).
- b. "Lot" has the meaning ascribed to it in NRS 278.0165.
- c. "Public Water System" has the meaning ascribed to it in NRS 445A.840.

**NOW THEREFORE**, pursuant to the authority in NRS 534.350, the State Engineer hereby establishes a program in that portion of Lemmon Valley as heretofore described for a public water system to receive credits for new customers who are now served by domestic wells or who could drill a domestic well on a lot created prior to July 1, 1993.

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Hugh Ricci, P.E.  
State Engineer

Dated at Carson City, Nevada this  
\_\_\_\_ day of \_\_\_\_\_, 2006.